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Paper No. 9

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
1300 I STREET NW
WASHINGTON DC 20005-3315

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**SPECIAL PROGRAMS OFFICE
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In re Patent No: 4,626,538 :
Application No. 06/732,986 :
Filed: May 13, 1985 : DECISION GRANTING PETITION
Issue date: December 2, 1986 :
Inventor: John P. Rusza et al. :

This is a decision on the communication filed June 15, 1999, which is being treated as a petition under 37 CFR 1.182 to obviate the adverse effects (as noted below) of the recorded terminal disclaimer filed April 23, 1986, and further, that the proffered Certificate of Correction (PTO mistake) be issued to that effect.

The petition is granted to the extent indicated below.

Petitioner correctly notes that due to the patent term resetting provisions of 35 U.S.C. § 154(c)(1) contained in Public Law 103-465, § 532, 108 Stat. 4809 (1994), the expiration date of U.S. Patent No. 4,521,422 (and thus, the instant patent whose term is linked to the term of the '422 patent by way of the aforementioned terminal disclaimer) is not seventeen years from issue, or June 3, 2002; rather, it is June 23, 2003, which, as twenty years from the earliest claimed filing date under 35 USC 120, gives the longer of the two possible terms. As such, the expiration date specified in the terminal disclaimer field of the instant patent, as issued, is now incorrect, and warrants issuance of a Certificate of Correction to that effect. However, in light of possible future changes to the patent statutes, as well as current printing instructions for terminal disclaimers, a date specific in the terminal disclaimer field will not be set forth, nor will the proffered Certificate of Correction be employed.

The instant file is being forwarded to Certificates of Correction Branch for issuance of a Certificate of Correction to indicate that, in lieu of the former statement pertaining to the expiration of the term by way of a terminal disclaimer :

--[*] Notice: This patent is subject to a terminal disclaimer.--

Telephone inquiries relative to this decision should be directed to the undersigned at (703) 305-1820.

A handwritten signature in cursive script, appearing to read "Brian Hearn".

Brian Hearn
Special Projects Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 4,626,538

DATED: December 2, 1986

INVENTOR(S): Dusza et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face of the patent, cancel at [*] Notice: "The portion of the term of this patent subsequent to Jun. 3, 2002, has been disclaimed."

and substitute

The portion of the term of this patent subsequent to the expiration date of U.S. Patent No. 4,521,422 has been disclaimed.

Mailing Address of Sender:

Finnegan, Henderson, Farabow
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

PATENT NO. 4,626,538

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FORM PTO 1050 (Rev.2-93)

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